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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Note verbale dated 19 March 2014 from the Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council and has the honour to submit herewith a memorandum on the promotion and protection of the rights of national minorities in Ukraine (see annex).

The Permanent Mission of Ukraine would be highly appreciative if the secretariat would kindly circulate the present note verbale and the annex thereto* as a document of the twenty-fifth session of the Human Rights Council under the agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex

[English only]

Memorandum on the promotion and protection of the national minorities rights in Ukraine

I. Ensuring the national minorities rights in Ukraine

The modern Ukraine is a multinational country, with representatives of more than 130 nationalities living in its territory. It is internationally recognized that the real achievement of Ukraine`s national minorities policy over 22 years of its independence is an interethnic peace and stability in its territory.

The main task of Ukraine`s interethnic policy, which is based on the provisions of its Constitution and a number of legislative acts, is to provide equal opportunities for all its citizens, regardless of their ethnic and social origin, religion affiliation, sex, economic status, place of residence, language and other characteristics.

Maintenance of the atmosphere of inter-ethnic tolerance, elimination of root causes of inter-ethnic tensions, as well as prevention of potential conflicts on ethnic grounds are among the top priority tasks of the new leadership of Ukraine as a democratic state based on the rule of law.

At the current stage of its evolution, the Ukrainian State will continue ensuring the protection of basic rights and freedoms of its national minorities by means of guaranteeing further development of their cultural, linguistic and religious ethnic identity.

Ukraine will continue to meet in full its international obligations in the field of protection of national minorities, including those that fall under the basic documents of the Council of Europe - European charter for regional or minority languages and the Framework convention for the protection of national minorities. On a number of occasions, Council of Europe Member States and experts have clearly recognized Ukraine's progress in implementing these documents.

There are neither prerequisites for nor instances of ethnic tensions or discrimination in Ukraine, including with regard to the Russian minority. This statement is solidly proved by all relevant reports of the UN human rights mechanisms, including the Universal periodic review and treaty bodies.

Presently there is no single confirmed case of violation of rights of citizens of the Russian Federation in the territory of Ukraine, in particular, in the Autonomous Republic of Crimea.

On March 6, OSCE High Commissioner on National Minorities Astrid Thors stated that during her visit to Crimea she found no evidence of violations or threats to the rights of Russians and Russian-speaking citizens of Ukraine in the Autonomous Republic of Crimea.

At the same time, the Ukrainian government and the OSCE High Commissioner are alarmed that inter-ethnic relations in the Autonomy became considerably aggravated because of actions by the self-proclaimed government of the Autonomous Republic of Crimea, including illegitimate decisions to become a part of the Russian Federation and to conduct so-called "referendum". The Ukrainian and Crimean Tatar groups are in particular danger.

II. On ensuring the rights of the Russian minority in Ukraine

According to the nationwide census conducted in 2001, there were 8 million 334.1 thousand of Russian minority in Ukraine (17.3% of the total population). It makes it the second largest ethnic group (after the Ukrainian one).

The representatives of this nationality settled on the territory of Ukraine in a dispersed manner. The most amount of Russians live in the Donetsk, Luhansk, Dnipropetrovsk, and Zaporizhia regions and in the Autonomous Republic of Crimea.

95,9 % of them acknowledge Russian as their mother tongue, while 3.9 % acknowledge Ukrainian. The Russian language has never been persecuted in Ukraine. There are no persecutions now. It is enough to look at the ratio of printed media in Ukrainian and Russian in Ukraine, as well as broadcasting and educational data (annex is attached).

Russian minority's cultural, educational, social, information and linguistic rights are fully met and secured by the Ukrainian legislation. This statement can be supported by numerous examples.

Public associations

Public associations of Russian minority in Ukraine conduct large scale activities. In general, more than 100 public associations of Russian national minority are registered in Ukraine. The Ukrainian association of Russian culture "Rus'", the All-Ukrainian national cultural and educational society "Russkoye sobranie", the All-Ukrainian organization "Russian community of Ukraine" and the All-Ukrainian union of HGOs associations of compatriots "Russian community" act at the national level.

Russian minority NGOs conduct outreach cultural and educational activities, organize numerous conferences, festivals, competitions, workshops, round tables, etc. The Russian diaspora makes great efforts to promote the Russian language and culture and strengthen Ukrainian-Russian relations in all spheres of life.

Under the law of Ukraine, representatives of the Russian minority have every opportunity to meet their linguistic, educational, cultural and information needs in their native language.

Educational needs

Appropriate conditions for learning the Russian language have been created in general schools, vocational and technical institutes and higher education establishments, cultural centers, Saturday and Sunday schools all over the country.

According to the Ministry of education and science of Ukraine, in the 2012/2013 academic year Russian was the language of instruction and study in 1256 schools providing general education, with 694 331 pupils being taught in this language. 1 183 739 pupils were studying Russian in schools, and additionally 163 817 - were studying it optionally or in study circles.

Teacher-training programmes for general schools with the Russian language of instruction and study are provided by 12 higher education establishments of I-II levels of accreditation and by 34 higher education establishments of III-IV levels of accreditation in all administrative and territorial units of Ukraine. Mostly, they are classic and pedagogical universities. Training is carried out by specialist teachers (of Russian, Slavic languages, etc.). Professional development is being conducted in all regional institutes of postgraduate pedagogical education.

Taras Shevchenko National University of Kyiv, along with other establishments, annually holds the all-Ukrainian conference "The Russian language and literature. Problems of their learning and teaching". In 2012, the Russian language Department of the Institute of philology issued two collections of scientific works: "The Russian language, literature and culture in schools and establishments of higher education" and "Rusystyka" ("Russian studies").

Teachers of the Russian language and literature make full use of special journals that are published in Ukrainian and Russian ("World literature in general schools in Ukraine") and in Russian ("The Russian literature in schools of Ukraine", "Russian education"). Moreover, in each region, the institutes of postgraduate pedagogical education publish pedagogical magazines or newspapers which also cover issues of the Russian language and literature teaching.

According to the existing agreements, teachers of the Russian language and literature from Ukraine are given further training opportunities in Moscow, Voronezh, Rostov-on-Don, St. Petersburg under the quota established by the Russian centre of international scientific and cultural cooperation of the Ministry of Foreign Affairs of the Russian Federation.

Relevant international treaties, which are currently in force, are the following: Agreement between the Governments of Ukraine and the Russian Federation on cooperation in the fields of culture, science and education of 1995; Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on mutual recognition and equivalence of documents on education and academic titles of 2000; Agreement between the Ministry of education of Ukraine and the Ministry of general and professional education of the Russian Federation on cooperation in the field of education of 1998.

Culture

A variety of outreach cultural and educational activities aimed at reviving the cultural, linguistic and ethnic identity of the Russian community are being conducted with the support of the Council of Ministers of Crimea, central and local government bodies.

In the regions with the most amount of Russians the Russian language and culture developing programmes are being introduced, as follows: "Development of the Russian language and culture in the Donetsk region", "The regional programme on development of the Russian language and culture in Sevastopol in 2012-2016", "Preservation and development of the Russian language in Odessa in 2011-2015", "Development and use of the Russian language in the Kharkiv region". For the realization of introduced measures and programmes, outreach events are funded and carried out annually, such as: student competitions, contests for the Russian language experts, international scientific and practical conferences, the Russian language and culture weeks, etc.

As of today the cultural and artistic needs of Russian minority are met by theaters and studios of many genres, 90 of which as well as 3 children's puppet theaters give the performance in Russian, and 25 of which give the performance in Russian and Ukrainian.

There are over 100 active amateur groups of the Russian minority in Ukraine. They participate in various cultural and artistic events held by the Ministry of culture of Ukraine in different regions of the country.

The Russian minority has a window of opportunities to make full use of almost 60 mln. library copies in the Russian language.

Since 2010 the "Russian center" at Nadiya Krupska Universal scientific library in Donetsk has been operational, which was open with the support of the "Russian world foundation".

The Russian cultural center is operational in Lviv (the building was donated).

The Kherson regional NGO "Russian cultural center" is functioning at the regional Youth and students palace, and Kherson NGO "Russian national community "Rusych" - on the premises of the municipal higher education institution "Kherson academy of continued education" of the Regional Council. Kherson city center of Russian culture may carry out its activities on the premises of the general school # 51 of Kherson City Council (I-III levels of accreditation).

Since August 2012, the Russian center is fully operational in Sevastopol.

The Center of Russian culture is operational at Kharkiv humanitarian university called "People's Ukrainian academy".

Cultural and educational center for studying the Russian language of the Department of education of Rivne Executive Committee is fully operational at Rivne specialized school # 15 with advanced study of foreign languages.

Information needs

As of 2013, in order to meet information needs of Russian minority representatives in Ukraine the following print media were registered and fully functional: 2343 - published exclusively in Russian and 3598 - in mixed text (the Russian and other languages), 3834 are bilingual editions (the Russian and other languages).

In total, almost 40% of all printed mass media in Ukraine are in the Russian language. 5 to 74 % of the total broadcasting (depending on a region) use the Russian language.

III. Law on languages

The Parliament of Ukraine voted last month to repeal the [2012] Law "On the principles of the state language policy" (the [2012] Language Law), that allowed regions to adopt more than one language for official purposes if they were spoken by at least 10 percent of the local population (for the Russian language, just under half of Ukrainian regions meet this standard).

Ukraine's acting President Oleksandr Turchynov, who is also the current speaker of the Parliament, said that in order to avoid any provocations, although the [2012] Language Law was unbalanced, he will not sign into law the Parliament's decision to repeal it until a new bill to protect all languages is passed.

He underlined that "unlike the previous law, this bill will be fully balanced" and the legislation would reflect the interests "of West and East of Ukraine, all ethnic groups and national minorities."

Oleksandr Turchynov ordered the establishment of a working group consisting of linguists, philologists and experts on social issues to draft a new law on the language policy in Ukraine. He said the legislation should be ready as soon as possible because of "intense speculations surrounding this issue." It is to be worked out by March 30 and sent for the Venice Commission's assessment.

According to the acting President of Ukraine, there will be no restrictions on language, nationality, believes in Ukraine and new democratic government clearly warrants

it. He also has made clear his opposition to any restriction on the use of the Russian language.